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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,122

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EXAMINER

VO, TED T

ART UNIT

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2191

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,122	Applicant(s) CHOI ET AL.	
	Examiner TED T. VO	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 04/10/2009.

Claims 1-5 are pending in the application.

Response to Arguments

2. This is in response to the argument remarks filed on 04/10/2009.

Examiner reasserts the statement in the specification in which the specification by itself describes the claimed subject matter under the statement as a novel subject matter:

-when even a single function of a device driver, e.g., a printer driver, is to be changed according to conventional methods, a developer must rebuild an entire program including a source program of the changed function and source programs of the remaining unchanged functions.

It is unclear this statement is true or not, but it is so common that for a program if it is very small, then it is easily to handle, no need a partition; if it is huge then a developer tends to mange into functionally smaller programs/files and assigns to separated designers. It appears the above statement tends to reuse a single existed program rather it is a common problem or a conventional principle.

Therefore, the depicted prior art within the cited portions addresses explicitly or inherently the claimed subject matters. For example, a customized printer driver module (FIG. 3) comprises the separated and oriented functions in which a user is easily to handle or change a

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function and does not change another function if this function does not involved in the change.

FIG 3 of the reference clearly teach the statement in the specification.

In address to the argued statement in the remarks, where Applicants submits:

Referring to the Examiner's reliance on the "whole text" of Gomez, the Examiner is respectfully referred to 37 CFR 1.104(c)(2) which notes, in part, that when a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. Accordingly, it is respectfully requested that the Examiner provide the column and line numbers for the sections of Gomez that the Office Action is relying on to reject the features of claim 1.

Applicants argued the whole text of Gomez does not teach reconstructing information on the device driver.

Examiner's response:

It appears Applicant refers to a recitation in the claim:

reconstructing information on the device driver to be installed using the file corresponding to the functional component selected by a user on the device driver installation program and generating the device driver using the reconstructed information on the device driver.

It should be noted that with the citation of FIG. 2 and FIG. 3 in the reference, it shows the customized printer driver module in which each function can be read and retrieved separately; thus, it has the means reconstructing. It should be noted, the claimed language "reconstructing information" in light of the specification has been addressed as "changed function and source programs of the remaining unchanged functions" above. This act is merely done by a programmer. Thus, it reads on a programmer/developer if this term existed in a depicted

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reference. There is no patentable substance for not allowing a developer to change his code. On the other hand, the specification appears speculating a piece of reused code and it encounters from its own problem. The orientation of the printer driver functions in FIG. 2, FIG. 3, and further FIG 10 shows the functions and information of the printer driver in the FIG 3 is reconstructable.

It should be noted that the rejection of claims being anticipated by a prior art is proper if the prior art reference discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation. *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375-76, 77 USPQ2d 1321, 1325-26 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992).

Anticipation of a patent claim requires a finding that the claim at issue "reads on" a prior art reference. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346, 51 USPQ2d 1943, 1945 (Fed Cir. 1999) ("In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.") (internal citations omitted).

It should be noted that the texts in the purpose to explain the cited figures. Moreover, the reference is straight forward in the manner of the specifications. The reference Figures are understandable in which the claimed feature show to read on. The texts will provide addition explanations and thus should be included. Therefore, Examiner find it is improper in the Applicants' remarks to a referral under 37 CFR 1.104(c)(2).

Other Arguments remarks to Claims 4 and 5 have been considered but they fail being persuasive as the same reasons addressed in the claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Gomez et al., US Pat. No. 7,106,472 B2 (Hereinafter: Gomez), filed on 10/31/2002.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Gomez discloses, ***A method of generating a device driver having a plurality of functional components*** (See FIG. 3 and associated text, refer to #24, #26), ***the method comprising:***

generating separate files (e.g. #26) ***for each functional component*** (the base Functions #25 and the Extended Function #27) ***of the device driver and a user interface*** (refer to # 22) ;

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making a device installation program by rebuilding only the file corresponding to the functional component to be modified when a modification of a functional component is needed (See FIG. 3, i.e. Customized Printer Driver; see FIG. 2, #20); *and*

reconstructing information on the device driver to be installed using the file corresponding to the functional component selected by a user on the device driver installation program and generating the device driver using the reconstructed information on the device driver (See FIG. 2, FIG. 3, and FIG. 10 and associated texts).

As per Claim 2: Gomez discloses, *The method of claim 1, wherein the generating the file comprises constructing each functional component according to a model and functions of a device and generating the file for each functional component* (See FIG. 2 and FIG. 3).

As per Claim 3: Gomez discloses, *The method of claim 1, wherein the device driver is used in a printer, and each functional component has a data structure value of a DEVICE MODE (DEVMODE) as a parameter* (See FIG. 9).

As per Claim 4: See the rationale addressed in Claim 1 above.

As per Claim 5: Gomez discloses, *The apparatus of claim 4, wherein the device driver is used in a printer, and each functional component has a data structure value of a DEVICE MODE (DEVMODE) as a parameter* (See FIG. 9).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR)

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system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
July 29, 2009

/Ted T. Vo/
Primary Examiner, Art Unit 2191